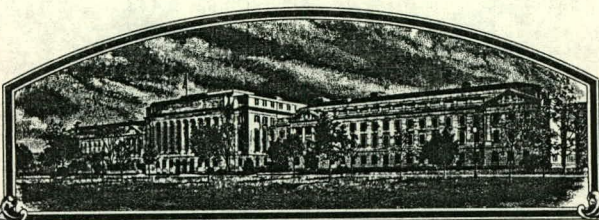


No.

8500192



## THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Gallatin Valley Seed Company

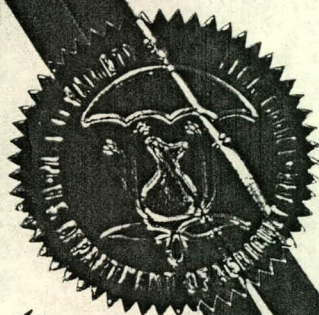
Whereas, THERE HAS BEEN PRESENTED TO THE  
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (T. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Bounty'



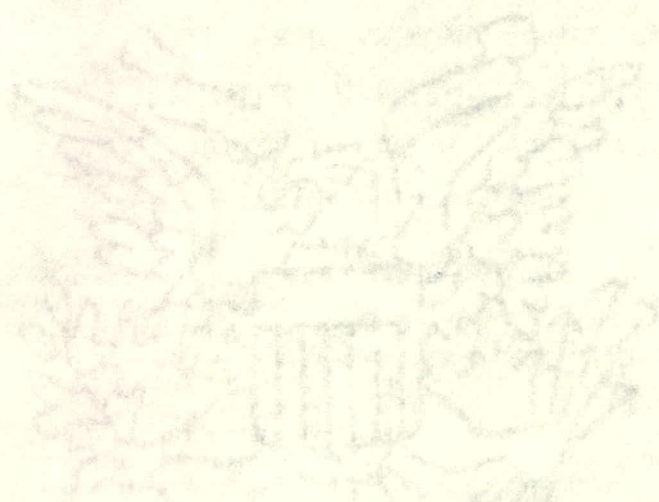
Attest

*Kenneth A. Egan*  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D. C. this 30th day of June in the year of our Lord one thousand nine hundred and eighty-six.

*Richard E. Lyng*  
Secretary of Agriculture





U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

FORM APPROVED: OMB NO. 0581-0055

## APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) GALLATIN VALLEY SEED CO., a division of Rogers Brothers Seed Company		2. TEMPORARY DESIGNATION HP 6-3-3	3. VARIETY NAME 'Bounty'
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P. O. Box 80 Idaho Falls, ID 83401		5. PHONE (Include area code) 208/522-0143	FOR OFFICIAL USE ONLY PVPO NUMBER 8500192
6. GENUS AND SPECIES NAME Pisum sativum	7. FAMILY NAME (Botanical) Leguminosae		FILING DATE Aug. 2, 1985 TIME 3:00 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.
8. KIND NAME Freezer Pea	9. DATE OF DETERMINATION 1982		FEES RECEIVED AMOUNT FOR FILING \$1,800 DATE 7/29/85 AMOUNT FOR CERTIFICATE \$ 200. DATE May 21, 1986
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation			12. DATE OF INCORPORATION 2-25-75
11. IF INCORPORATED, GIVE STATE OF INCORPORATION Delaware			13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS GALLATIN VALLEY SEED CO., P. O. Box 80, Idaho Falls, ID 83401 733 8205

PHONE (Include area code): 208/522-0143

## 14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED

- a. ☒ Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)  
b. ☒ Exhibit B, Novelty Statement.  
c. ☒ Exhibit C, Objective Description of Variety (Request form from Plant Variety Protection Office.)  
d. ☒ Exhibit D, Additional Description of Variety.  
e. ☒ Exhibit E, Statement of the Basis of Applicant's Ownership.

15. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act.) ☐ Yes (If "Yes," answer items 16 and 17 below) ☒ No

16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?

☐ Yes ☒ No

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?

☐ Foundation ☐ Registered ☐ Certified

18. DID THE APPLICANT(S) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.?

☐ Yes (If "Yes," give date)☒ No

19. HAS THE VARIETY BEEN RELEASED, OFFERED FOR SALE, OR MARKETING IN THE U.S. OR OTHER COUNTRIES?

☒ Yes (If "Yes," give names of countries and dates)☐ No

20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT

Calvin R. Lamborn  
Vice President & Research Director

DATE

July 19, 1985

SIGNATURE OF APPLICANT

DATE



## INSTRUCTIONS

\*

**General:** Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$1,800 fee (\$200 filing fee and \$1,600 examination fee) to U.S. Department of Agriculture, Agricultural Marketing Service, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

### Item

- 9 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 14a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 14b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 14c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 14d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 14e Section 52(4) of the Plant Variety Protection Act requires applicants to furnish a statement of the basis of the applicant's ownership. The applicant may be the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.
- 15 If "Yes" is specified (*seed of this variety be sold by variety name only as a class of certified seed*) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "No," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 19 See section 41 (i, j) and 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice for eligibility requirements.

\* Furnish only untreated seed with your application. The Plant Variety Protection Office has no approved facilities to safely handle treated seed.

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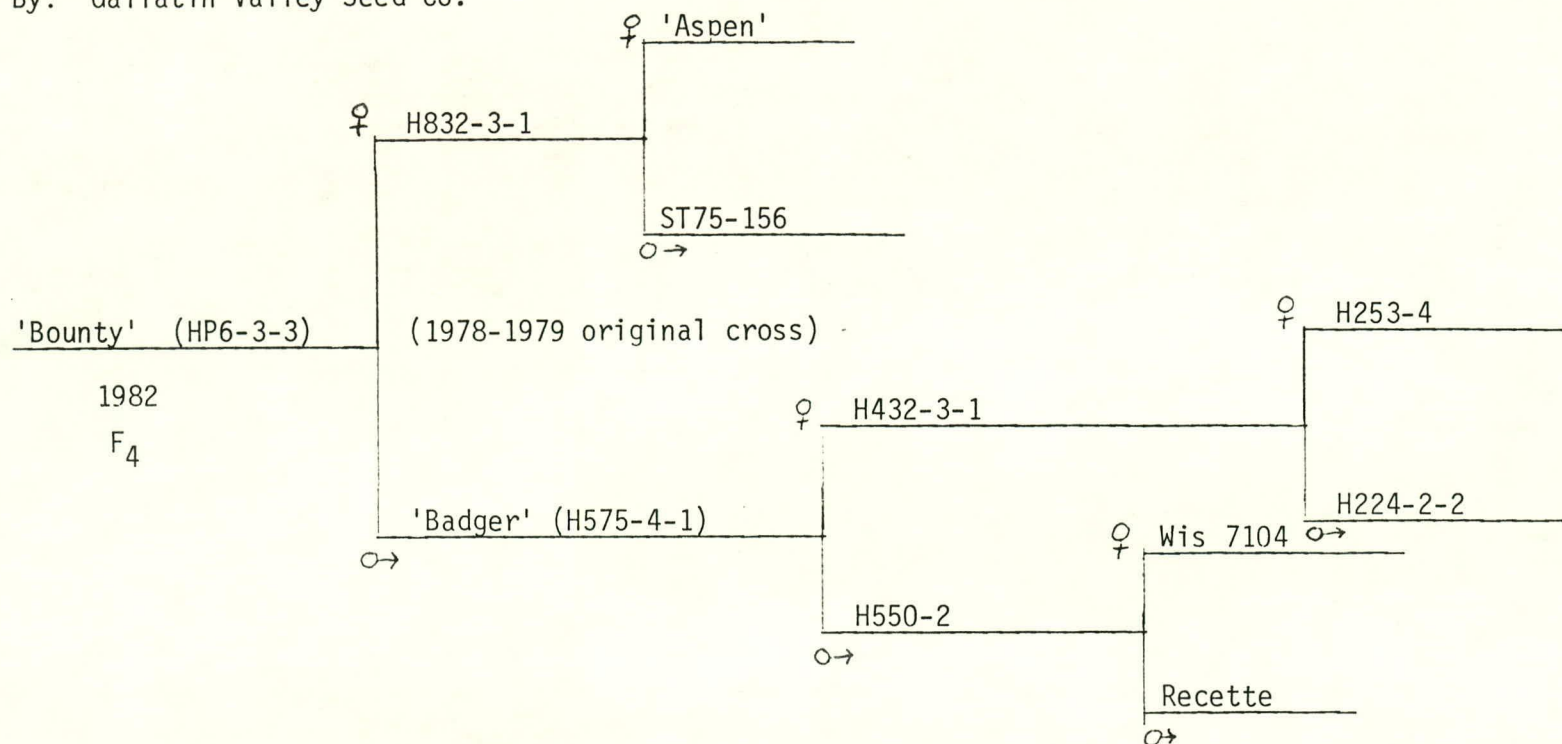
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Exhibit 14A.

Pedigree Chart For: 'Bounty' (HP6-3-3)

By: Gallatin Valley Seed Co.

July 19, 1985



'Bounty' is the result of a hand pollinated cross between 'Badger', a Gallatin Valley Seed Co. canner variety currently being sold in the Midwest and East, and H832-3-1, a Gallatin Valley Seed Co. freezer breeding line with Powdery Mildew resistance. 'Bounty' was selected as a single plant selection (HP6-3-3) in 1980, and has been maintained as a pureline since then. Increase began in 1981. A total of 92,984 pounds of seed was sold for processor trials between 1982 and 1984. Commercial sales will begin in 1985, with expected sales of 650,000 pounds.

The only variants observed in 'Bounty' have been a trace of albino and varigate mutants at a rate of less than one per thousand. 'Bounty' has been observed since 1981, and has proven to be stable.

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JUL 29 1985



Exhibit 14B.

July 19, 1985

Data Indicative Of Novelty

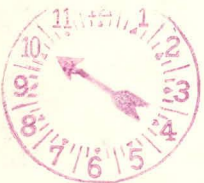
'Bounty' is most similar to its parent, 'Badger'. It differs in that 'Bounty' has a darker "berry" color adapted for freezing, while Badger is a canning variety.



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JUL 29 1985

U.S. DEPARTMENT



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GALLATIN VALLEY SEED CO.

P.O. BOX 167

• TWIN FALLS, IDAHO 83301

• TELEPHONE 208-733-8222



December 9, 1985

EXHIBIT B - rjs

Mr. Robert Snyder  
Examiner  
Plant Variety Protection Office  
USDA-AMS, LSD, NALB  
Beltsville, MD 20705

Dear Mr. Snyder:

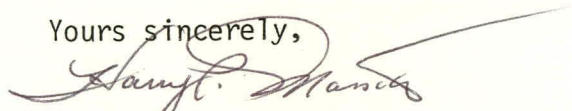
Subject: Pea Application No. 8500192, 'Bounty'

1. Objective color readings using the "Royal Horticulture Society Colour Chart" provide the following differences between 'Bounty' and 'Badger':
  - a) 'Bounty' (Freezer Pea) Natural Color: Pod, 143C  
Berry, 141D  
Blanched Berry, 143C
  - b) 'Badger' (Canner Pea) Natural Color: Pod, 144C  
Berry, 144D  
Blanched Berry, 144C
2. Regarding the difference between 'Bounty' and 'Columbia'. 'Bounty' is resistant to Powdery Mildew whereas 'Columbia' is only tolerant. (See attached letter from Pure Line Seeds, Inc.)

I believe this information should answer all the questions needed to finalize our PVP application for 'Bounty'.

Thank you for your assistance.

Yours sincerely,

  
Harry P. Massoth  
Pathologist

HM/dp  
enc.

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DEC 13 1985

U.S. DEPARTMENT



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DEC 13 1985  
U.S. DEPARTMENT  
OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C.



UNITED STATES DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 LIVESTOCK, POULTRY, GRAIN & SEED DIVISION  
 NATIONAL AGRICULTURAL LIBRARY  
 BELTSVILLE, MARYLAND 20705  
 OBJECTIVE DESCRIPTION OF VARIETY  
 PEA (*PISUM SATIVUM*)

EXHIBIT C  
(Pea)

NAME OF APPLICANT(S) Gallatin Valley Seed Co.	VARIETY NAME OR TEMPORARY DESIGNATION 'Bounty' (HP6-3-3)
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P. O. Box 80 Idaho Falls, ID 83401	FOR OFFICIAL USE ONLY PVPO NUMBER 8500192

Place the appropriate number that describes the varietal character in the boxes below.

Place a zero in first box (e.g.  or ) when number is either 99 or less or 9 or less.

## 1. TYPE:

 1 - GARDEN    2 - FIELD    3 - EDIBLE-PODDED

## 2. MATURITY:

<input type="text" value="15"/> Node number of first bloom:	<input type="text" value="0"/> <input type="text" value="6"/> <input type="text" value="8"/> No. of days to processing	<input type="text" value="1"/> <input type="text" value="4"/> <input type="text" value="9"/> <input type="text" value="0"/> Heat Units
<input type="text" value="0"/> <input type="text" value="0"/> No. of days Earlier than	<input type="text" value="4"/> 1 - ALASKA WR    2 - THOMAS LAXTON WR    3 - LITTLE MARVEL	
<input type="text" value="0"/> <input type="text" value="5"/> No. of days Later than	<input type="text" value="2"/> 4 - WANDO    5 - ALDERMAN WR    6 - AUSTRIAN WINTER	

## 3. PLANT HEIGHT:

<input type="text" value="0"/> <input type="text" value="6"/> <input type="text" value="0"/> CM. HIGH	
<input type="text" value="1"/> <input type="text" value="0"/> Cm. Shorter than	<input type="text" value="2"/> 1 - ALASKA WR    2 - THOMAS LAXTON WR    3 - LITTLE MARVEL
<input type="text" value="1"/> <input type="text" value="5"/> Cm. Taller than	<input type="text" value="3"/> 4 - WANDO    5 - ALDERMAN WR    6 - AUSTRIAN WINTER

## 4. VINE:

<input type="text" value="1"/> Habit: 1 - DETERMINATE    2 - INDETERMINATE	Stockiness: 1 - SLIM (Alaska)    2 - MEDIUM (Thomas Laxton WR)    3 - HEAVY (Alderman)
<input type="text" value="2"/> Branching: 1 - NONE (Alaska)    2 - 1-2 BRANCHES (Little Marvel)    3 - MORE THAN 2 BRANCHES (Dwarf Green Sugar)	
<input type="text" value="1"/> Internodes: 1 - STRAIGHT    2 - ZIG ZAG	<input type="text" value="2"/> <input type="text" value="0"/> NUMBER OF NODES

## 5. LEAFLETS:

<input type="text" value="2"/> Color: 1 - LIGHT GREEN (Alaska WR)    2 - MED. GREEN (Thomas Laxton WR)    3 - DARK GREEN (Alderman)	
<input type="text" value="2"/> Wax: 1 - NONE    2 - LIGHT    3 - MEDIUM    4 - HEAVY	<input type="text" value="2"/> 1 - NOT MARBLED    2 - MARBLED (Alaska)
<input type="text" value="3"/> Number of leaflet pairs: 1 - NOT PAIRED    2 - ONE    3 - TWO    4 - THREE OR MORE	

## 6. STIPULES:

<input type="text" value="2"/> 1 - LACKING    2 - PRESENT	<input type="text" value="2"/> 1 - NOT CLASPING    2 - CLASPING
<input type="text" value="2"/> 1 - NOT MARBLED    2 - MARBLED	<input type="text" value="3"/> Size (Compared with leaflets): 1 - SMALLER    2 - SAME    3 - LARGER
<input type="text" value="2"/> Color (Compared with leaflets): 1 - LIGHTER    2 - SAME    3 - DARKER	

## 7. FLOWER COLOR:

<input type="text" value="2"/> VENATION	<input type="text" value="1"/> STANDARD	<input type="text" value="1"/> WING	<input type="text" value="1"/> KEEL	1 - WHITE    2 - GREENISH    3 - LAVENDER 4 - PURPLE    5 - RED 6 - OTHER (Specify)
---	---	-------------------------------------	-------------------------------------	---



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## 8. PODS:

Shape: 1 - STRAIGHT 2 - SLIGHTLY CURVED 3 - CURVED ☐ 2 End: 1 - POINTED (Alderman) 2 - BLUNT (Alaska)  
 Color: 1 - LIGHT GREEN (Alaska WR) 2 - MEDIUM GREEN 3 - DARK GREEN (Alderman)  
 4 - OTHER (Specify) \_\_\_\_\_  
 Surface: 1 - SMOOTH 2 - ROUGH ☐ 2 Surface: 1 - SHINY 2 - DULL  
 Borne: 1 - SINGLE 2 - DOUBLE 3 - SINGLE AND DOUBLE 4 - SINGLE, DOUBLE, & TRIPEE  
 5 - DOUBLE & TRIPLE 6 - TRIPLE 7 - OTHER (Specify) \_\_\_\_\_  
☐ 7 ☐ 8 CM. LENGTH ☐ 1 ☐ 3 MM. WIDTH (Between sutures) ☐ 0 ☐ 9 NO. SEEDS PER POD

## 9. SEEDS (95-100 Tenderometer):

Color: 1 - LIGHT GREEN 2 - GREEN 3 - DARK GREEN 4 - OTHER (Specify) \_\_\_\_\_  
 Solve: % ☐ 0 ☐ 4 ☐ 0 ☐ 8 ☐ 1 ☐ 7 ☐ 2 ☐ 2 ☐ 3 ☐ 0 ☐ 1 ☐ 8 ☐ 0 ☐ 1 ☐ 0 ☐ 0 ☐ 4 ☐ 2 ☐ 4 AVERAGE

## SEEDS (Dry, Mature):

Shape: 1 - FLATTENED 2 - ANGULAR 3 - OVAL 4 - ROUNDED ☐ 4  
 Surface: 1 - SMOOTH 2 - DIMPLED 3 - WRINKLED ☐ 2 Surface: 1 - SHINY 2 - DULL  
 Color Pattern: 1 - MONOCOLOR 2 - MOTTLED 3 - STRIPED 4 - DOTTED ☐ 1  
 Primary Color: 1 - CREAMY-WHITE 2 - CREAM & GREEN 3 - LIGHT GREEN 4 - MEDIUM GREEN  
 5 - DARK GREEN 6 - BLUE-GREEN 7 - YELLOW 8 - BROWN 9 - RED ☐ 4  
 Secondary Color: 10 - GRAY 11 - BLACK ☐ 0  
 Hilum Floor Color: 1 - WHITE 2 - TAN 3 - BLACK ☐ 1 Cotyledon Color: 1 - GREEN 2 - YELLOW 3 - ORANGE  
☐ 2 ☐ 2 GRAMS PER 100 SEEDS

## 10. DISEASE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

☐ 2 FUSARIUM WILT ☐ 0 NEAR-WILT ☐ 0 DOWNY MILDEW  
☐ 0 ASCOCHYTA BLIGHT ☐ 2 POWDERY MILDEW ☐ 0 BACTERIAL BLIGHT  
☐ 0 MOSAIC ☐ 1 PEA ENATION MOSAIC ☐ 0 YELLOW BEAN MOSAIC  
☐ OTHER (Specify) Tolerant: Pea Leaf Roll Virus

## 11. INSECT: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

☐ 1 APHIDS ☐ 0 OTHER (Specify) \_\_\_\_\_

## 12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leafiness	Badger	Fresh Seed Color	H832-3-1
Leaf Color	Badger	Mature Seed Color	H832-3-1
Pod Color	H832-3-1	Seed Shape	Badger
Pod Shape	Badger	Plant Habit	Badger

COMMENTS:



6



Exhibit 14D.

July 19, 1985

## Additional Description Of 'Bounty'

'Bounty' is a mid to late freezing pea. It first blooms on the 15th to 16th nodes and grows to a height of 60 cm. Two pods are normally produced at each node, with an average sieve size of 4.24. 'Bounty' is resistant to Fusarium Wilt (Race 1) and Powdery Mildew. It is also highly tolerant to Pea Leaf Roll Virus.





Exhibit 14E.

Statement Of The Basis Of Applicant's Ownership

The variety 'Bounty' is a result of a cross between H832-3-1 and 'Badger' (H575-4-1), two Gallatin Valley Seed Co. breeding lines, in 1978-1979. All selections and increases since that time have been made by our company and are owned by said company.





GALLATIN VALLEY SEED CO.

-A Montana Corporation-

CONSENT TO ADOPTION OF RESOLUTION

BY

SOLE SHAREHOLDER OF CORPORATION ACTING WITHOUT A MEETING  
PURSUANT TO SECTION 15-22-134, RCM 1947

\* \* \* \*

KNOW ALL MEN BY THESE PRESENTS: That ROGERS BROTHERS SEED COMPANY, a corporation organized and existing under the Laws of the State of Delaware, as owner and holder of all of the 2,005 issued and outstanding shares of the capital stock of GALLATIN VALLEY SEED CO., a corporation organized and existing under the laws of the State of Montana, acting without a meeting of shareholders of said Montana corporation pursuant to and as authorized by Section 15-22-134 of the Montana Business Corporation Code, hereby consents to the adoption of the following resolutions with like effect as if adopted by a unanimous vote of the shareholders of said Montana corporation at a meeting of its shareholders duly called and noticed for the purpose of considering the adoption of said resolution, to-wit:

WHEREAS, the shareholder of this corporation purchased all of the issued and outstanding shares of this corporation on April 1, 1975 and;

WHEREAS, pursuant to a resolution of its Board of Directors dated March 25, 1977, the shareholder of this corporation has resolved to liquidate this corporation under a plan of liquidation which complies with Section 334(b) (2) of the Internal Revenue Code of 1954; and







{ } WHEREAS, pursuant to Section 15-2276 of the Montana Business Corporation Code the shareholder of this corporation has consented to the voluntary dissolution of the corporation;

NOW THEREFORE, BE IT RESOLVED, that the following plan of liquidation is hereby adopted by this corporation:

The dissolution and liquidation of this corporation shall be carried out by transfer of its assets, in complete cancellation of its stock, to Rogers Brothers Seed Company, the owner of all of its issued and outstanding stock, and in further consideration of the assumption by Rogers Brothers Seed Company of all of the debts, obligations and liabilities of this corporation outstanding at the time of such transfer. Such liquidating distribution to Rogers Brothers Seed Company shall take place no later than March 24, 1978 and further,

RESOLVED, that the liquidation of this corporation pursuant to the foregoing plan of liquidation shall be carried out in such manner as to cause such liquidation and the distribution of the assets of this corporation to qualify under and be treated in accordance with Sections 332 and 334 (b)(2) of the Internal Revenue Code of 1954, as amended, and the regulations promulgated thereunder, and further,

U RESOLVED, that the directors and officers of this corporation be and they hereby are authorized to take any and all actions necessary to carry out the foregoing resolutions in accordance with their purpose and intent.

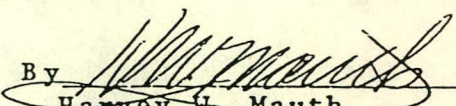
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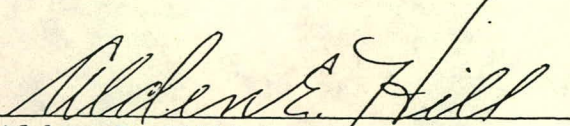


IN WITNESS WHEREOF, said corporation has caused its corporate name to be subscribed and its corporate seal to be affixed by its proper officers, hereunto duly authorized this 22<sup>nd</sup> day of February, 1978.

ROGERS BROTHERS SEED COMPANY

By   
Harvey W. Mauth  
President

Attest:

  
Alden E. Hill  
Secretary





STATE OF IDAHO )  
 ) ss  
County of Bonneville )

On this 22<sup>nd</sup> day of February, 1978, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared HARVEY W. MAUTH, known to me to be the President of ROGERS BROTHERS SEED COMPANY, a Delaware corporation, the corporation that executed the within and foregoing instrument, and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Harlow J. McNamee  
Notary Public for the State of Idaho  
My Commission expires: Lifetime

(SEAL OF)  
( SAID )  
( NOTARY)

C E R T I F I C A T E

STATE OF IDAHO )  
 ) ss.  
County of Bonneville)

I, ALDEN E. HILL, Secretary of GALLATIN VALLEY SEED CO.,, a corporation organized and existing under the laws of the State of Montana, DO HEREBY CERTIFY that Rogers Brothers Seed Company, a corporation organized and existing under the laws of the State of Delaware, is the owner of 2,005 shares of the capital stock of Gallatin Valley Seed Co., and that said 2,005 shares represents the total issued and outstanding Capital Stock of the Corporation as shown by the books of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Corporation this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

Alden E. Hill  
Secretary

(CORPORATE)  
( SEAL )







Foreign-Montana

No. 14236-1

GALLATIN VALLEY SEED CO.

Certificate of Withdrawal

STATE OF IDAHO  
Department of State  
Boise, Idaho

Approved, filed and admitted to the  
records of articles of Incorporation  
of the State of Idaho this 24th  
day of March 19 78  
at 9:30 o'clock A M.

FEES PAID

Filing \$ 4.00

Pete T. Cenarrusa

SECRETARY OF STATE

BY

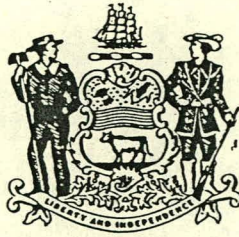
Megan Tapp  
CORPORATION CLERK

Filed by: Rogers Brothers Seed Co,  
P.O. Box 1647  
Idaho Falls, Idaho 83401



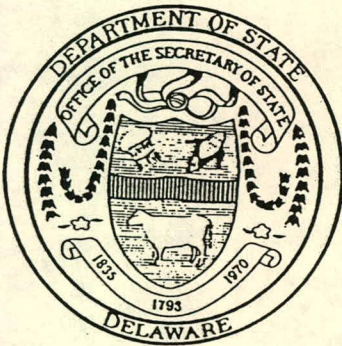


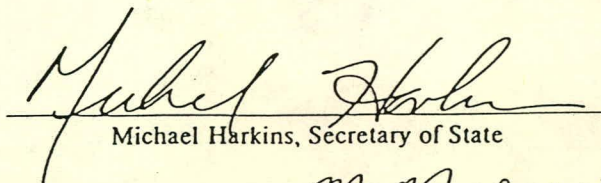
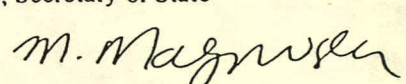
# State of Delaware



## Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE  
DO HEREBY CERTIFY THAT "ROGERS BROTHERS SEED COMPANY", FILED A  
CERTIFICATE OF AMENDMENT, CHANGING ITS CORPORATE TITLE TO "ROGERS  
NK SEED CO.", ON THE TWENTY-SIXTH DAY OF DECEMBER, A.D. 1990, AT 10:01  
O'CLOCK A.M.



  
Michael Harkins, Secretary of State  
AUTHENTICATION:   
DATE: 10/08/1991





AMENDED  
STATEMENT AND DESIGNATION  
BY  
FOREIGN CORPORATION

DO NOT WRITE IN THIS SPACE

ROGERS NK SEED CO.

\_\_\_\_\_, a corporation  
organized and existing under the laws of Delaware,  
and which is presently qualified for the transaction of intrastate business in the  
State of California, makes the following statements and/or designation:

That the name of the corporation has been changed to that hereinabove set forth  
and that the name relinquished at the time of such change was \_\_\_\_\_

ROGERS BROTHERS SEED COMPANY

ROGERS NK SEED CO.

(Name of Corporation)

William B. Albers

(Signature of corporate officer)

William B. Albers, President

(Typed name and title of officer signing)

INSTRUCTIONS:

1. If this Amended Statement shows a change of corporate name, there must be attached to this Amended Statement a certificate of an authorized public official of the state or place of incorporation, that such change of name was made in accordance with the laws of that state or place.
2. For filing this Amended Statement there is a fee of \$15.00.





*State of Delaware*  
*Office of the Secretary of State*

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PAGE 1

I, WILLIAM T. QUILLEN, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "ROGERS NK SEED CO.", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "ROGERS SEED CO.", THE FIFTH DAY OF MAY, A.D. 1994, AT 9 O'CLOCK A.M.



*William T. Quillen*

*William T. Quillen, Secretary of State*

0810041 8320

AUTHENTICATION: 7120759

DATE: 05-16-94

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CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
ROGERS NK SEED CO.

Adopted in accordance with the provisions  
of Section 242 of the General Corporation  
Law of the State of Delaware

EFFECTIVE DATE: June 1, 1994

We, Willem van Overschot, President, and Richard B. Geller, Secretary, of Rogers NK Seed Co., a corporation existing under the laws of the State of Delaware, do hereby certify as follows:

FIRST: The Certificate of Incorporation of the corporation was filed on 2/27/75.

SECOND: The Certificate of Incorporation of said corporation has been amended as follows:

By striking out the whole of Article I thereof as it now exists and inserting in lieu and instead thereof, a new Article I, reading as follows:

ARTICLE I

Name

The name of the Corporation is ROGERS SEED CO.

THIRD: Such amendment has been duly adopted in accordance with the provisions of the General Corporation Law of the State of Delaware, by the unanimous written consent of all of the stockholders entitled to vote in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

FOURTH: See attached Written Consent of Sole Shareholder and Board of Directors' Resolution.

IN WITNESS WHEREOF, we have signed this certificate this 13<sup>th</sup> day of April, 1994.

Willem van Overschot  
Willem van Overschot, President

Richard B. Geller  
Richard B. Geller, Secretary





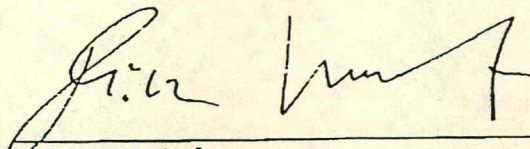
ROGERS NK SEED CO.

WRITTEN CONSENT OF SOLE SHAREHOLDER

SANDOZ CORPORATION, owner of all of the issued and outstanding shares of ROGERS NK SEED CO., hereby consents, pursuant to Section 228 of the Delaware General Corporation Law, to the adoption of the following resolution as and for the act of the shareholder:

RESOLVED, that SANDOZ CORPORATION, as sole shareholder, approves the amendment to Article I of the Certificate of Incorporation of ROGERS NK SEED CO., changing its name to **ROGERS SEED CO.**

Dated: April 22, 1994

  
Heinz P. Imhof,  
Chief Executive Officer  
Sandoz Corporation





ROGERS NK SEED CO.

RESOLUTION

RESOLVED, that according to Section 242 of the General Corporation Law of the State of Delaware, that Article I of the Certificate of Incorporation be amended, effective June 1, 1994, to read as follows: The name of the Corporation is **ROGERS SEED CO.**; and, further,

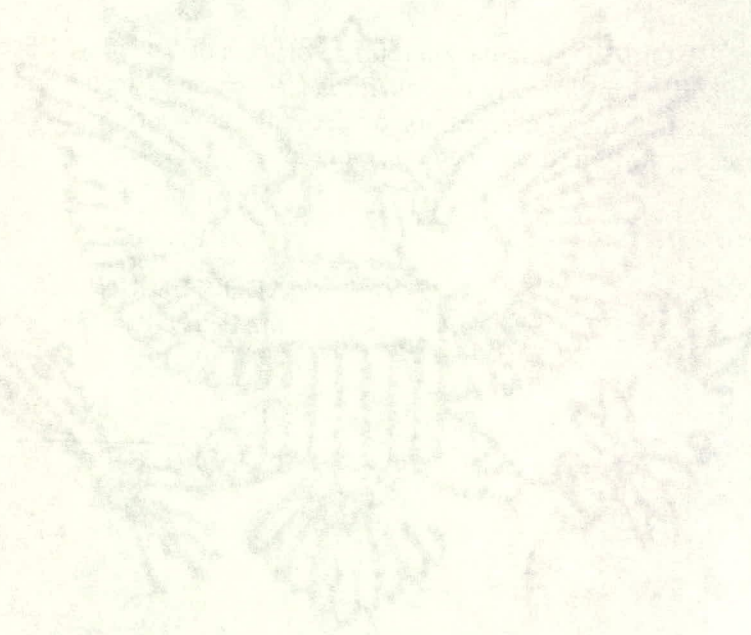
RESOLVED, that the appropriate officers of Rogers NK Seed Co. be, and they hereby are, authorized to take any and all further action and execute and deliver any and all further documents that may be necessary or desirable in order to carry out and effectuate fully the purposes set forth in the foregoing resolution.

ADOPTED UNANIMOUSLY BY THE BOARD  
MARCH 31, 1994

Richard B. Geller

Richard B. Geller, Secretary





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*State of Delaware*  
*Office of the Secretary of State*

PAGE 1

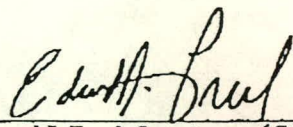
I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ROGERS SEED CO.", A DELAWARE CORPORATION,  
WITH AND INTO "NOVARTIS SEEDS, INC." UNDER THE NAME OF  
"NOVARTIS SEEDS, INC.", A CORPORATION ORGANIZED AND EXISTING  
UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED  
IN THIS OFFICE THE TWENTY-FIFTH DAY OF JUNE, A.D. 1997, AT 9  
O'CLOCK A.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO  
THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



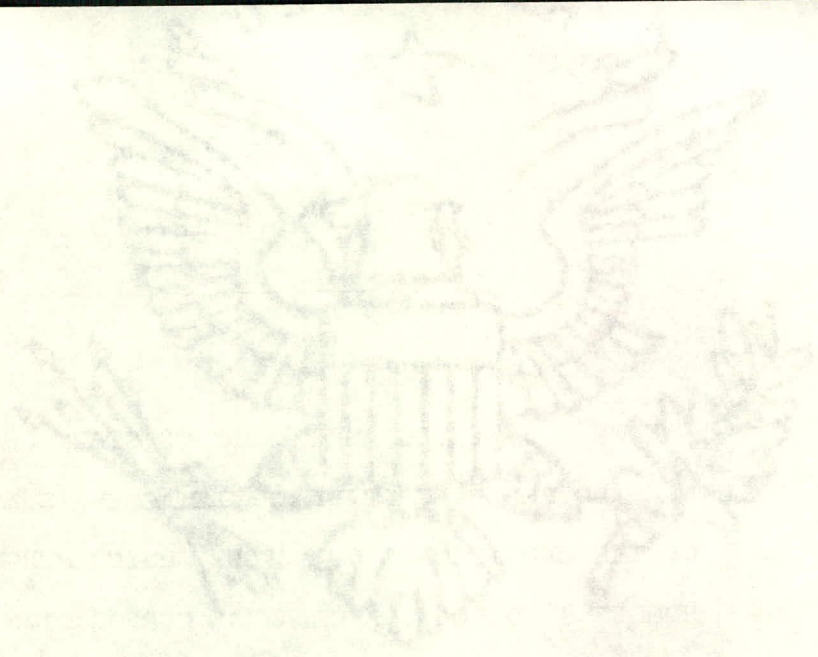
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Edward J. Freel, Secretary of State

AUTHENTICATION: 8531908  
06-26-97

DATE:





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STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 06/25/1997  
971211787 - 0829320

CERTIFICATE OF MERGER  
OF  
ROGERS SEED CO.  
INTO  
NOVARTIS SEEDS, INC.

The undersigned corporation organized and existing under and by virtue of the General Corporation Law of Delaware,

DOES HEREBY CERTIFY:

**FIRST:** That the name and state of incorporation of each on the constituent corporations of the merger is as follows:

**NAME**

**STATE OF INCORPORATION**

Novartis Seeds, Inc.  
Rogers Seed Co.

Delaware  
Delaware

**SECOND:** That an Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of section 251 of the General Corporation Law of Delaware

**THIRD:** That the name of the surviving corporation is Novartis Seeds, Inc.

**FOURTH:** That the Certificate of Incorporation of Novartis Seeds, Inc., a Delaware corporation which will survive the merger, shall be the Certificate of Incorporation of the surviving corporation.

**FIFTH:** That the executed Agreement and Plan of Merger is on file at the principal place of business of the surviving corporation, the address of which is 7500 Olson Memorial Highway, Golden Valley, MN 55427.

**SIXTH:** That a copy of the Agreement and Plan of Merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.

**SEVENTH:** That this Certificate of Merger shall be effective on July 1, 1997.

Dated June 23, 1997

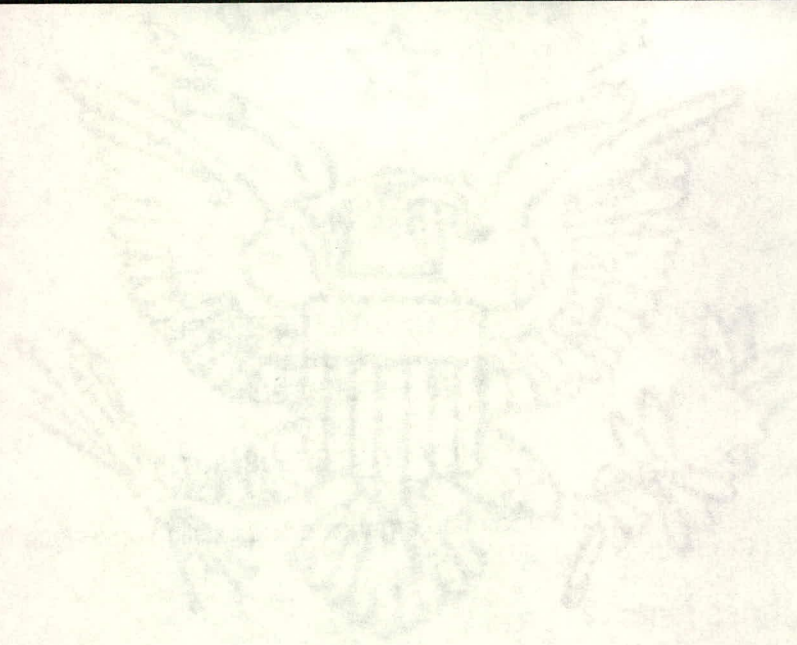
NOVARTIS SEEDS, INC.

By: 

Name: Edward C. Resler

Title: Vice President & General Counsel





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